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GEORGE LIKOUREZOS, ESQ.			GRAHAM, CLEMENT B	
261 WASHINGTON AVENUE			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/764,618	Applicant(s) LIKOUREZOS ET AL.
	Examiner CLEMENT B. GRAHAM	Art Unit 3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

1) Responsive to communication(s) filed on 27 February 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-57 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-57 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/12/01, 8/9/01, 8/27/01, 1/9/02, 1/17/02, 9/16/02, 11/12/02, 5/1/03, 7/7/03, 10/11/05

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/2008 has been entered.
2. Claims 1-31 remain pending and claims 32-57 have been added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesan U.S Pub: 20020087461 in view of Hambrecht et al (Hereinafter Hambrecht U.S Patent 6, 629, 082).

As per claim 1, Ganesan discloses a method for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said method comprising the steps of:

maintaining a database (see column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) of a plurality of electronic auction payment accounts corresponding to a plurality of users, including the purchaser, of said electronic auction web site and a payment segment of said electronic auction web site by an electronic auction payment system integrated with said electronic auction system, each of said plurality of electronic auction payment accounts storing funds therein and each capable of being used for user transactions in the electronic auction system(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111) performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment- related activity selected from the group consisting of debiting an electronic

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auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users, (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111)and crediting at least one account corresponding to the seller to effect payment for the at least one item offered for the electronic auction sale via the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111).

Ganesan fail to explicitly teach wherein at least one payment source corresponding to the purchaser is used to obtain funds for storing within the electronic auction payment account corresponding to the purchaser prior to debiting the electronic auction payment account corresponding to the purchaser.

However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include wherein at least one payment source corresponding to the purchaser is used to obtain funds for storing within the electronic auction payment account corresponding to the purchaser prior to debiting the electronic auction payment account corresponding to the purchaser taught by Hambrecht in order to obtain funds from the purchaser account .

As per claim 2, Ganesan discloses wherein the plurality of electronic auction payment accounts includes an electronic auction payment account corresponding to the seller. (see column

12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 3, Ganesan discloses 3wherein the at least one credited account corresponding to the seller includes at least the electronic auction payment account corresponding to the seller. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 4, Ganesan discloses further comprising the step of receiving authorization from the purchaser of the at least one item to perform the at least one payment-related activity and to credit the at least one account corresponding to the seller prior to the steps of debiting the purchaser's electronic auction payment account and crediting the at least one account corresponding to the seller. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 5, Ganesan discloses wherein the steps of debiting and crediting are performed in real-time. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 6, Ganesan discloses further comprising the steps of:
determining if there are sufficient funds in the electronic auction payment account corresponding to the purchaser of the at least one item to effect payment; and
performing the step of withdrawing funds from the at least one account storing funds therein and not corresponding to at least one of the plurality of users, if
there are not sufficient funds in the electronic auction payment account corresponding to the purchaser of the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 7, Ganesan discloses further comprising the step of charging interest for funds withdrawn from the at least one account storing funds therein to effect payment. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 8, Ganesan discloses further comprising the steps of:
determining if the purchaser of the at least one item has indicated a purchase of insurance and/or for a personal guarantee for the at least one item(see column 12 paragraphs 0141, 0143 column 9

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paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and debiting the electronic auction payment account corresponding to the purchaser of the at least one item for an amount of funds to cover the purchase of insurance and/or for the personal guarantee for the at least one item purchased, if the purchaser of the at least one item has indicated the purchase of insurance and/or for the personal guarantee for the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 9, Ganesan discloses further comprising the step of retaining, by an operator of the at least one computing device, a portion of the amount of funds debited as a service fee for the purchase of insurance and/or for the personal guarantee for the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 10, Ganesan discloses further comprising the step of initiating the investment of funds corresponding to at least one of the plurality of electronic auction payment accounts. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 11, Ganesan discloses further comprising the steps of: allocating a percentage of funds gained by investing the funds to the at least one of the plurality of electronic auction payment accounts; and retaining, by an operator of the at least one computing device, a percentage of funds gained by investing the funds. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 12, Ganesan discloses further comprising the step of issuing checks to at least one potential user having a corresponding electronic auction payment account. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 13, Ganesan discloses further comprising the step of retaining, by an operator of the at least one computing device, a percentage of funds debited from the electronic auction payment account corresponding to the purchaser of the at least one item prior to crediting the at

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least one account corresponding to the seller. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 14, Ganesan discloses a system for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said system comprising:

an electronic auction payment system integrated with said electronic auction system, said electronic auction payment system comprising a plurality of electronic auction payment accounts and means for maintaining a payment segment of said electronic auction web site and said plurality of electronic auction payment accounts corresponding to a plurality of users(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

including the purchaser, of the electronic auction web site, where the plurality of electronic auction payment accounts store funds therein, and the plurality of electronic auction payment accounts include an electronic auction payment account corresponding to the purchaser of the at least one item offered for the electronic auction sale and an electronic auction payment account corresponding to the seller(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) means for performing at least one payment related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment-related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users, and means for crediting at least one account corresponding to the seller to effect payment for the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Ganesan fail to explicitly teach wherein at least a portion of any debited funds correspond to funds transferred to the electronic auction payment account and stored therein prior to debiting the electronic auction payment account.

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However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include wherein at least a portion of any debited funds correspond to funds transferred to the electronic auction payment account and stored therein prior to debiting the electronic auction payment account taught by Hambrecht in order to obtain funds from the purchaser account.

As per claim 15, Ganesan discloses further comprising:
means for determining if there are sufficient funds in the electronic auction payment account corresponding to the purchaser of the at least one item to effect payment(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and
means for performing the step of withdrawing funds from the at least one account storing funds therein and not corresponding to at least one of the plurality of users, if there are not sufficient funds in the electronic auction payment account corresponding to the purchaser of the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 16, Ganesan discloses further comprising means for charging interest for funds withdrawn from the at least one account storing funds therein to effect payment. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

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As per claim 17, Ganesan discloses further comprising means for initiating the investment of funds corresponding to at least one of the plurality of electronic auction payment accounts. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 18, Ganesan discloses further comprising:
means for allocating a percentage of funds gained by investing the funds to the at least one of the plurality of electronic auction payment accounts; and
means for retaining a percentage of funds gained by investing the funds. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 19, Ganesan discloses further comprising means for retaining a percentage of funds debited from the electronic auction payment account corresponding to the purchaser of the at least one item prior to crediting the at least one account corresponding to the seller. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 20, Ganesan discloses wherein the means for debiting and the means for crediting debit the electronic auction payment account corresponding to the purchaser of the at least one item and credit the at least one account corresponding to the seller, respectively, in real-time. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 21, Ganesan discloses a payment system for effecting payment to a seller of at least one item offered for an electronic auction sale via an electronic auction web site and won by a winning bidder at the conclusion of the electronic auction sale, said electronic auction web site being maintained by an electronic auction system, said payment system comprising:
a database containing a plurality of electronic auction payment accounts, where the plurality of electronic auction payment accounts are store actual funds therein, and where one of the plurality of electronic auction payment accounts corresponds to the winning bidder of the at least one item and one of the plurality of electronic auction payment accounts corresponds to the seller(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for

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maintaining the plurality of electronic auction payment accounts and for automatically effecting payment to the seller by accessing the database and debiting actual funds stored within the electronic auction payment account corresponding to the winning bidder of the at least one item and crediting at least one account corresponding to the seller without any intervention by the winning bidder following the conclusion of the electronic auction, wherein said payment system maintains the database containing the plurality of electronic auction payment accounts and a payment segment of the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Ganesan fail to explicitly teach and wherein at least a portion of funds debited correspond to funds transferred to the electronic auction payment account and stored therein prior to debiting the electronic auction payment account.

However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include and wherein at least a portion of funds debited correspond to funds transferred to the electronic auction payment account and stored therein prior to debiting the electronic auction payment account taught by Hambrecht in order to obtain funds from the purchaser account .

As per claim 22, Ganesan discloses wherein the computing device debits the electronic auction payment account corresponding to the winning bidder of the at least one item and credits the at least one account corresponding to the seller in real-time. (see column 12 paragraphs 0141,

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0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 23, Ganesan discloses wherein the computing device further includes application software for automatically effecting payment to an operator of the electronic auction web site using at least funds debited from the electronic auction payment account corresponding to the winning bidder of the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 24, Ganesan discloses a method for automatically effecting payment for a user of an electronic auction web site maintained by an electronic auction system, said method comprising the steps of:

determining if there are sufficient funds in a payment account to effect payment, said payment account being maintained by an electronic auction payment system integrated with said electronic auction system, said payment account corresponding to the user of the electronic auction web site and storing funds therein(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) debiting the payment account corresponding to the user of the electronic auction web site and crediting at least one account to effect payment for the user of the electronic auction web site(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

if there are sufficient funds in the payment account corresponding to the user to effect payment and loaning funds to effect payment, if there are not sufficient funds in the payment account corresponding to the user of the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Ganesan fail to explicitly teach wherein at least a portion of any debited funds correspond to funds transferred to the payment account and stored therein prior to debiting the payment account.

However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids

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through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include wherein at least a portion of any debited funds correspond to funds transferred to the payment account and stored therein prior to debiting the payment account taught by Hambrecht in order to obtain funds from the purchaser account.

As per claim 25, Ganesan discloses wherein the step of debiting the payment account corresponding to the user of the electronic auction web site and crediting the at least one account to effect payment for the user of the electronic auction web site, if there are sufficient funds in the payment account corresponding to the user to effect payment, occurs in real-time. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 26, Ganesan discloses further comprising the step of charging interest for loaning funds to effect payment. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 27, Ganesan discloses wherein the step of debiting comprises the step of retaining, by an operator associated with the electronic auction web site, a percentage of funds debited from the payment account corresponding to the user of the electronic auction web site prior to crediting the at least one account. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 28, Ganesan discloses a payment system for effecting payment for at least one of a plurality of online auction registered users of an online auction web site maintained by an online auction system, said payment system comprising:

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a database containing information corresponding to a plurality of accounts of the plurality of online auction registered users, said plurality of accounts storing funds therein(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for maintaining the plurality of accounts and for periodically effecting payment for the at least one of the plurality of online auction registered users by debiting an account of the plurality of accounts and crediting at least one account(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045) wherein the debited account corresponds to the at least one online auction registered user, wherein said payment system is integrated with said online auction system and maintains a payment segment of said online auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Ganesan fail to explicitly teach wherein at least a portion of funds debited correspond to funds transferred to the debited account and stored therein prior to debiting the account.

However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include wherein at least a portion of funds debited correspond to funds transferred to the debited account and stored therein prior to debiting the account taught by Hambrecht in order to obtain funds from the purchaser account.

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As per claim 29, Ganesan discloses wherein application software periodically effects payment for the at least one of the plurality of online auction registered users without any intervention by the at least one online auction registered user. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 30, Ganesan discloses a payment system for effecting payment to an operator of an online auction web site maintained by an online auction system, said payment system comprising:

a database containing information corresponding to a plurality of accounts of a plurality of online auction registered users, said plurality of accounts storing funds therein(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for maintaining said plurality of accounts and for automatically effecting payment for at least one of the plurality of online auction registered users by debiting an account of the plurality of accounts and crediting at least one account corresponding to the operator wherein the debited account corresponds to the at least one online auction registered user, wherein said payment system is integrated with said online auction system and maintains a payment segment of said online auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Ganesan fail to explicitly teach wherein at least a portion of funds debited correspond to funds transferred to the debited account and stored therein prior to debiting the account.

However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to

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submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include wherein at least a portion of funds debited correspond to funds transferred to the debited account and stored therein prior to debiting the account taught by Hambrecht in order to obtain funds from the purchaser account.

As per claim 31, Ganesan discloses wherein application software automatically effects payment for the at least one of the plurality of online auction registered users without any intervention by the at least one online auction registered user. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 32, Ganesan discloses wherein the at least one payment source is a bank account. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 33, Ganesan discloses wherein the at least one payment source is a credit card. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 34, Ganesan discloses wherein said at least one payment source is used to automatically replenish at least a portion of the funds debited from the electronic auction payment account corresponding to the purchaser.

As per claim 35, Ganesan discloses a method for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said method comprising the steps of:

maintaining a database of a plurality of electronic auction payment accounts corresponding to a plurality of users(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

including the purchaser, of said electronic auction web site and a payment segment of said electronic auction web site by an electronic auction payment system integrated with said electronic auction system, each of said plurality of electronic auction payment accounts storing

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funds therein and each capable of being used for user transactions in the electronic auction system(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045) performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment- related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users and crediting at least one account corresponding to the seller to effect payment for the at least one item offered for the electronic auction sale via the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Ganesan fail to explicitly teach, wherein at least a portion of any debited funds correspond to funds transferred to the electronic auction payment account and stored therein prior to debiting the electronic auction payment account.

However Hambrecht discloses individuals without brokerage accounts can be directed to one of the Underwriter's brokerage partners. The second group includes professional money managers and institutional investors and some professional investors may wish to route bids through their brokerage accounts via telephone or dedicated terminals while others may wish to enter bids directly over the Internet and settle transactions through an existing account. (see column 8 lines 19-51) and retail customers must actually fund their account up to at least the amount of a bid submitted for a security in order for the bid to be accepted. In other words, institutional investors may be permitted to submit bids based upon credit policies, but retail customers will have to have actual funds in their account sufficient to cover a bid in order to submit a bid for an auction of securities. The illustrative drawings of FIGS. 3A and 3B show in general the process for setting up a deal. (see column 13 lines 42-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ganesan to include wherein at least a portion of any debited funds correspond to funds transferred to the electronic auction payment account and stored therein prior to debiting the electronic auction payment account; taught by Hambrecht in order to obtain funds from the purchaser account.

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As per claim 36, Ganesan discloses wherein at least a portion of the debited funds are transferred to the electronic auction payment account prior to debiting the electronic auction payment account from at least one of the plurality of electronic auction payment accounts. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 37, Ganesan discloses wherein at least a portion of the debited funds are transferred to the electronic auction payment account prior to debiting the electronic auction payment account from at least one payment source corresponding to the purchaser. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 38, Ganesan discloses a method for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said method comprising the steps of:

maintaining a database of a plurality of electronic auction payment accounts corresponding to a plurality of users, including the purchaser, of said electronic auction web site and a payment segment of said electronic auction web site by an electronic auction payment system integrated with said electronic auction system, each of said plurality of electronic auction payment accounts storing actual funds therein and said actual funds capable of being used for user transactions in the electronic auction system (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045) performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment-related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users, and crediting at least one account corresponding to the seller to effect payment for the at least one item offered for the electronic auction sale via the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

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As per claim 39, Ganesan discloses a system for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said system comprising:

an electronic auction payment system integrated with said electronic auction system, said electronic auction payment system comprising a plurality of electronic auction payment accounts and means for maintaining a payment segment of said electronic auction web site and said plurality of electronic auction payment accounts corresponding to a plurality of users(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

including the purchaser, of the electronic auction web site, where each of the plurality of electronic auction payment accounts store actual funds therein, and the plurality of electronic auction payment accounts include an electronic auction payment account corresponding to the purchaser of the at least one item offered for the electronic auction sale and an electronic auction payment account corresponding to the seller(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) means for performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing actual funds therein and not corresponding to at least one of the plurality of users and means for crediting at least one account corresponding to the seller to effect payment for the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 40, Ganesan discloses a payment system for effecting payment to a seller of at least one item offered for an electronic auction sale via an electronic auction web site and won by a winning bidder at the conclusion of the electronic auction sale, said electronic auction web site being maintained by an electronic auction system, said payment system comprising:
a database containing a plurality of electronic auction payment accounts, where each of the plurality of electronic auction payment accounts store actual funds therein, and where one of the

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plurality of electronic auction payment accounts corresponds to the winning bidder of the at least one item and one of the plurality of electronic auction payment accounts corresponds to the seller(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for maintaining the plurality of electronic auction payment accounts and for automatically effecting payment to the seller by accessing the database(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045) and debiting actual funds stored within the electronic auction payment account corresponding to the winning bidder of the at least one item and crediting at least one account corresponding to the seller without any intervention by the winning bidder following the conclusion of the electronic auction, wherein said payment system maintains the database containing the plurality of electronic auction payment accounts and a payment segment of the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 41, Ganesan discloses a payment system for effecting payment for at least one of a plurality of online auction registered users of an online auction web site maintained by an online auction system, said payment system comprising:

a database containing information corresponding to a plurality of accounts of the plurality of online auction registered users, each of said plurality of accounts storing actual funds therein(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for maintaining the plurality of accounts and for periodically effecting payment for the at least one of the plurality of online auction registered users by debiting actual funds stored within an account of the plurality of accounts and crediting at least one account(see column 12 paragraphs 0141, 0143) wherein the debited account corresponds to the at least one online auction registered user, wherein said payment system is integrated with said online auction system and maintains a payment segment of said online auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 42, Ganesan discloses wherein application software periodically effects payment for the at least one of the plurality of online auction registered users without any

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intervention by the at least one online auction registered user. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 43, Ganesan discloses a payment system for effecting payment to an operator of an online auction web site maintained by an online auction system, said payment system comprising:

a database containing information corresponding to a plurality of accounts of a plurality of online auction registered users, each of said plurality of accounts storing actual funds therein(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for maintaining said plurality of accounts and for automatically effecting payment for at least one of the plurality of online auction registered users by debiting actual funds stored within an account of the plurality of accounts and crediting at least one account corresponding to the operator(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045) wherein the debited account corresponds to the at least one online auction registered user, wherein said payment system is integrated with said online auction system and maintains a payment segment of said online auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 44, Ganesan discloses wherein application software automatically effects payment for the at least one of the plurality of online auction registered users without any intervention by the at least one online auction registered user. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 45, Ganesan discloses a method for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said method comprising the steps of:

maintaining a database of a plurality of electronic auction payment accounts corresponding to a plurality of users, including the purchaser(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) of said

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electronic auction web site and a payment segment of said electronic auction web site by an electronic auction payment system integrated with said electronic auction system, each of said plurality of electronic auction payment accounts storing funds therein and not information relating to sources which can be used to initiate payment, such as credit card information, and each of said plurality of electronic auction payment accounts capable of being used for user transactions in the electronic auction system (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment-related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users; and crediting at least one account corresponding to the seller to effect payment for the at least one item offered for the electronic auction sale via the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 46, Ganesan discloses wherein the at least one payment source is a bank account. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 47, Ganesan discloses wherein the at least one payment source is a credit card. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 48, Ganesan discloses wherein said at least one payment source is used to automatically replenish at least a portion of the funds debited from the electronic auction payment account corresponding to the purchaser. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 49, Ganesan discloses wherein at least a portion of the debited funds are transferred to the electronic auction payment account prior to debiting the electronic auction payment account from at least one of the plurality of electronic auction payment accounts. (see

column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 50, Ganesan discloses wherein at least a portion of the debited funds are transferred to the electronic auction payment account prior to debiting the electronic auction payment account from at least one payment source corresponding to the purchaser. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraph 0109).

As per claim 51, Ganesan discloses a method for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said method comprising the steps of:

maintaining a database of a plurality of electronic auction payment accounts corresponding to a plurality of users, including the purchaser, of said electronic auction web site and a payment segment of said electronic auction web site by an electronic auction payment system integrated with said electronic auction system, each of said plurality of electronic auction payment accounts storing funds therein and not information relating to sources which can be used to initiate payment, such as credit card information, and each of said plurality of electronic auction payment accounts capable of being used for user transactions in the electronic auction system(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111) performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users and crediting at least one account corresponding to the seller to effect payment for the at least one item offered for the electronic auction sale via the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045).

As per claim 52, Ganesan discloses a system for effecting payment for a purchaser of at least one item offered for an electronic auction sale by a seller via an electronic auction web site maintained by at least one computing device of an electronic auction system, said system

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comprising:

an electronic auction payment system integrated with said electronic auction system, said electronic auction payment system comprising a plurality of electronic auction payment accounts and means for maintaining a payment segment of said electronic auction web site and said plurality of electronic auction payment accounts (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045) corresponding to a plurality of users, including the purchaser, of the electronic auction web site, where each of the plurality of electronic auction payment accounts store funds therein and not information relating to sources which can be used to initiate payment, such as credit card information, and the plurality of electronic auction payment accounts include an electronic auction payment account corresponding to the purchaser of the at least one item offered for the electronic auction sale and an electronic auction payment account corresponding to the seller(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

means for performing at least one payment-related activity by said electronic auction payment system for effecting payment for said purchaser, said at least one payment-related activity selected from the group consisting of debiting an electronic auction payment account corresponding to the purchaser of the at least one item and maintained by said electronic auction payment system, and withdrawing funds from at least one account storing funds therein and not corresponding to at least one of the plurality of users; and means for crediting at least one account corresponding to the seller to effect payment for the at least one item. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 53, Ganesan discloses payment system for effecting payment to a seller of at least one item offered for an electronic auction sale via an electronic auction web site and won by a winning bidder at the conclusion of the electronic auction sale, said electronic auction web site being maintained by an electronic auction system, said payment system comprising:
a database containing a plurality of electronic auction payment accounts(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) where each of the plurality of electronic auction payment accounts store funds

therein and not information relating to sources which can be used to initiate payment, such as credit card information, and where one of the plurality of electronic auction payment accounts corresponds to the winning bidder of the at least one item and one of the plurality of electronic auction payment accounts corresponds to the seller(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109) and a computing device including application software for maintaining the plurality of electronic auction payment accounts and for automatically effecting payment to the seller by accessing the database and debiting funds stored within the electronic auction payment account corresponding to the winning bidder of the at least one item and crediting at least one account corresponding to the seller without any intervention by the winning bidder following the conclusion of the electronic auction, wherein said payment system maintains the database containing the plurality of electronic auction payment accounts and a payment segment of the electronic auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 54, Ganesan discloses a payment system for effecting payment for at least one of a plurality of online auction registered users of an online auction web site maintained by an online auction system, said payment system comprising:

a database containing information corresponding to a plurality of accounts of the plurality of online auction registered users, each of said plurality of accounts storing funds therein and not information relating to sources which can be used to initiate payment, such as credit card information(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

and a computing device including application software for maintaining the plurality of accounts and for periodically effecting payment for the at least one of the plurality of online auction registered users by debiting funds stored within an account of the plurality of accounts and crediting at least one account, wherein the debited account corresponds to the at least one online auction registered user, wherein said payment system is integrated with said online auction system and maintains a payment segment of said online auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

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As per claim 55, Ganesan discloses wherein application software periodically effects payment for the at least one of the plurality of online auction registered users without any intervention by the at least one online auction registered user. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 56, Ganesan discloses a payment system for effecting payment to an operator of an online auction web site maintained by an online auction system, said payment system comprising:

a database containing information corresponding to a plurality of accounts of a plurality of online auction registered users, each of said plurality of accounts storing funds therein and not information relating to sources which can be used to initiate payment, such as credit card information(see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109)

and a computing device including application software for maintaining said plurality of accounts and for automatically effecting payment for at least one of the plurality of online auction registered users by debiting funds stored within an account of the plurality of accounts and crediting at least one account corresponding to the operator, wherein the debited account corresponds to the at least one online auction registered user, wherein said payment system is integrated with said online auction system and maintains a payment segment of said online auction web site. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

As per claim 57, Ganesan discloses wherein application software automatically effects payment for the at least one of the plurality of online auction registered users without any intervention by the at least one online auction registered user. (see column 12 paragraphs 0141, 0143 column 9 paragraphs 0111 column 4 paragraphs 0041-0045 and column 8 paragraphs 0109).

Conclusion

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5. Applicant's arguments files on 02/27/08 have been fully considered but they are moot in view of new grounds rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENT B. GRAHAM whose telephone number is (571)272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG

April 15, 2008

/Kambiz Abdi/

Supervisory Patent Examiner, Art
Unit 3692

